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A bill to be en  
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C. S. G. Cong. House  
1st Cong. 2 sess.  
Sept. 24, 1862

[HOUSE BILL, No. 47.]

HOUSE, September 24, 1862.—Read first and second times, placed on Calendar and ordered to be printed.

[By Mr. MOORE, from Judiciary Committee.]

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A BILL

To be entitled An Act to authorize the President of the Confederate States to institute a commission for the trial and punishment of offences in the armies of the Confederate States.

1     SECTION 1. *The Congress of the Confederate States of*  
2     *America do enact*, That the President of the Confederate  
3     States is hereby authorized and empowered to institute a  
4     commission, to be composed of such persons as he may  
5     appoint to accompany each brigade, division or army  
6     corps in the field as the President may direct, who shall  
7     constitute a court with full and complete jurisdiction to  
8     try and punish all offences which may be committed by  
9     any officer or soldier against the military, criminal or  
10    penal law of the land.

1     SEC. 2. That the said court shall have full and com-

2 plete power and jurisdiction to inflict all the punishments  
 3 and penalties which the military law prescribes against  
 4 any officer or soldier who shall be found guilty of a vio-  
 5 lation thereof, and the said court is hereby invested with  
 6 all the power and jurisdiction of courts martial under  
 7 and by virtue of the military law of the Confederate  
 8 States.

1 SEC. 3. When any officer or soldier shall be adjudged  
 2 by said court to be guilty of an offence not punishable  
 3 by military law, but which is made a felony by the laws  
 4 of the Confederate States, such person shall be punished  
 5 according to the penalty prescribed by the laws of the  
 6 Confederate States.

1 SEC. 4. That when any officer or soldier shall be ad-  
 2 judged by said court to be guilty of an offence not pun-  
 3 ishable by the military law of the Confederate States,  
 4 nor held to be a felony by the criminal law thereof, but  
 5 which is declared to be a felony by the laws of the State  
 6 in which the offence was committed, it shall be the duty  
 7 of said court to hand such person over to the civil  
 8 authorities of such State, to be dealt with according to  
 9 the laws thereof.

1        SEC. 5. That if any such officer or soldier shall be ad-  
2        judged by said court to be guilty of any trespass to the  
3        person or property of the citizen, upon conviction thereof,  
4        such person shall be punished by confinement in prison  
5        for a period of not more than twelve months, or put to  
6        hard labor for the same time, in the discretion of the  
7        court.

1        SEC. 6. Where the judgment of said court, under the  
2        provisions of this act, shall be the penalty of death, or  
3        the cashiering of an officer, such judgment shall be sub-  
4        ject to the review and approval of the President, and in  
5        all such cases it shall be the duty of said court to keep,  
6        or cause to be kept, a true and complete record of the  
7        proceedings and proof in the case.

1        SEC. 7. That in order to enable said court to keep,  
2        when necessary, a complete record of its proceedings and  
3        proof in any case, and to cause all of its process and  
4        judgments to be executed, it shall have power to appoint  
5        its own clerk and marshal, each of whom shall, before  
6        entering on the discharge of the duties of their respec-  
7        tive offices, take the oath prescribed by law in such  
8        cases and execute bond in the penalty of three thousand

9 dollars conditioned for the faithful performance of their  
10 respective duties.

1 SEC. 8. The persons who shall constitute the court  
2 aforesaid shall be required, before entering on the duties  
3 of their office, to take the oath now prescribed by law  
4 in such cases, and in addition thereto take an oath to  
5 discharge said duties honestly, faithfully and according  
6 to the best of their skill and judgment.

1 SEC. 9. Provided that no judgment rendered under  
2 the provisions of this act shall bar any citizen from his  
3 right of action against any officer or soldier to recover  
4 damages for any trespass to property.

1 SEC. 10. The members of said court shall hold their  
2 offices during the war unless, in the judgment of the  
3 President, said court should be sooner discontinued, and  
4 they shall each receive a salary of one hundred and  
5 eighty dollars per month, to be due and payable quar-  
6 terly. The salary of the clerk shall be three dollars per  
7 day, and that of the marshal five dollars per day.

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